

Exhibit 16

MONICA BUESCHER, M.D.

March 21, 2022

Hammons vs University of Maryland Medical System

1

JESSE HAMMONS,

UNITED STATES DISTRICT
COURT

Plaintiff

FOR THE DISTRICT OF
MARYLAND

vs.

CASE NO.
1:20-cv-02088-DKC

UNIVERSITY OF MARYLAND
MEDICAL SYSTEM CORPORATION,
et al.

Defendants

_____ /

The deposition of MONICA BUESCHER, M.D. was
held on Monday, March 21, 2022 commencing at 9:02 a.m.
Via Zoom before Eric Leichter, Notary Public.

REPORTED BY: Eric Leichter

1 APPEARANCES:

2
3 ON BEHALF OF THE PLAINTIFF:

4 EDWARD J. DELMAN, ESQUIRE

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10
11 ON BEHALF OF THE DEFENDANT:

12 DANIELLE VRABIE, ESQUIRE

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March 21, 2022

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1 PROCEEDINGS,

2 THE VIDEOGRAPHER: We are now on the
3 record. The time is 9:02 a.m. Eastern Standard Time on
4 March 21st, 2022. Thus begins the video conference
5 deposition of Dr. Monica A. Buescher taken in the matter
6 of Jesse Hammons versus the University of Maryland
7 Medical System Corporation et al. filed in the United
8 States District Court for the District of Maryland.
9 Case number is 1:20-cv-02088-DKC. My name is George
10 Ellis. I am your remote videographer. The court
11 reporter is Eric Leichter. We are representing Esquire
12 Deposition Solutions.

13 Counsel, will you please state your name
14 and who you represent? After which, the court reporter
15 will swear in the witness.

16 MR. DELMAN: This is Edward Delman
17 representing Plaintiff Jesse Hammons from the firm
18 Patterson Belknap Webb & Tyler.

19 MS. VRABIE: Danielle Vrabie from Sheppard
20 Mullin Richter & Hampter [sic] -- Hampton for Defendants
21 and the witness.

1 THE REPORTER: All right. The attorneys
2 participating in this deposition acknowledge I'm not
3 physically present in the deposition room and that I'll
4 be reporting this deposition remotely. They further
5 acknowledge that in lieu of an oath administered in
6 person, I'll administer the oath remotely. Parties
7 further agree that the witness is testifying from a
8 state where I'm not a notary, that the witness may be
9 sworn in by an out-of-state notary.

10 If any party has an objection to this
11 manner of reporting, please state now.

12 Hearing none, we can proceed.
13 Whereupon,

14 MONICA BUESCHER, M.D.,
15 called as a witness, having been first duly sworn to
16 tell the truth, the whole truth, and nothing but the
17 truth, was examined and testified as follows:

18 EXAMINATION BY MR. DELMAN:

19 Q Dr. Busha [sic] -- Buescher, can you please
20 state your name for the record?

21 A Monica A. Buescher.

1 Q Dr. Buescher, are there different ways of
2 performing hysterectomies?

3 MS. VRABIE: Objection.

4 A There are different -- there are different
5 techniques for performing hysterectomy.

6 Q And what sorts of different techniques are
7 there?

8 A You can have an open laparotomy, which is a
9 big incision, and do the hysterectomy directly. You can
10 use a laparoscopic approach, which involves using a
11 laparoscope and small wounds with the uterus being
12 finally removed through the vagina. You can do a
13 robotic hysterectomy, which is essentially a
14 laparoscopic hysterectomy but using a robot as the
15 vehicle for wielding the surgical instruments. And you
16 can a vaginal hysterectomy, which is a direct
17 hysterectomy through the vaginal approach.

18 Q In general, are hysterectomies performed as
19 elective sterilization procedures?

20 A No.

21 Q Even outside of St. Joseph, hysterectomies

1 are never performed as elective sterilization
2 procedures?

3 MS. VRABIE: Objection.

4 A They should not be --

5 THE WITNESS: Do I answer?

6 MS. VRABIE: Go ahead, Dr. Buescher. You
7 can answer if you know.

8 A They should not be performed for elective
9 sterilization because it's a major surgical procedure
10 compared to a minor surgical procedure, which is
11 typically used for elective sterilization.

12 Q In your experience at St. Joseph, are
13 hysterectomies ever performed as elective sterilization
14 procedures?

15 A No.

16 Q And concerning elective sterilization, what
17 sorts of minor procedures would be more appropriate?

18 A For women, you're asking?

19 Q Correct. Yes.

20 A For women, some form of tubal fallopian
21 tube interruption is used. And typically, that is done

1 laparoscopically or at the time of cesarian section if
2 desired or through a hysteroscopic approach -- vagina
3 through cervix into the uterine cavity.

4 Q And are those sorts of procedures performed
5 at St. Joseph?

6 A No.

7 Q In general, are hysterectomies performed
8 to treat a diagnosed medical condition?

9 A Yes.

10 Q In your experience at St. Joseph, are you
11 aware of a hysterectomy ever being performed other than
12 to treat a diagnosed medical condition?

13 A No.

14 MR. DELMAN: One moment, Dr. Buescher.

15 Q You wouldn't recommend a hysterectomy for
16 any procedure other than one with a medical diagnosis.
17 Right?

18 MS. VRABIE: Objection. You can answer,
19 Dr. Buescher, if you understand.

20 A No. I would not recommend a hysterectomy
21 for any reason other than a specific medical condition.

1 Q All right, Dr. Buescher. In general, what
2 are some of the medical conditions that are treated by
3 hysterectomies?

4 A Menorrhagia, which is heavy menstrual flow;
5 dysmenorrhea, which is severe pain during the menstrual
6 cycle; any sort of bleeding disorder. This would be in
7 the reproductive age group, of course. In the
8 postmenopausal age group, it's typically done for
9 neoplastic conditions. Hysterectomies may also be done
10 as part of repair for pelvic organ prolapse, and that's
11 in any age group.

12 Q So, in terms of excessive or abnormal
13 menstruation, what would constitute excessive or
14 abnormal menstruation?

15 A Acceptable menstruation?

16 Q Excessive.

17 A Excessive? Okay. The easiest way to
18 quantify it is to show that the woman is iron-deficient.

19 Q And you would say that excessive or
20 abnormal menstruation is a medically necessary reason to
21 perform a hysterectomy --

1 A It's a -- it is a medically sufficient
2 reason to perform a hysterectomy.

3 Q So you wouldn't describe it as being
4 medically necessary necessarily?

5 A Only in the circumstance where the woman
6 has anemia.

7 Q Why is it -- why does anemia make it
8 medically necessary?

9 A Because no individual should be operating
10 physiologically with significant anemia if it can be
11 helped.

12 Q What would you say is the difference
13 between something being medically sufficient versus
14 medically necessary?

15 A I consider anemia to be a medically
16 necessary condition. I consider a woman's
17 quality-of-life circumstances to be a medically
18 sufficient reason.

19 Q So what would be some other medically
20 necessary reasons for a hysterectomy other than anemia?

21 A As I told you, pelvic organ prolapse -- if

1 it wasn't part of the medical record. The checklist was
2 just a tool. The -- the details of what was actually
3 assessed would be available either on the surgeon's
4 office chart or submitted in the medical record here at
5 the hospital.

6 Q Is it a physical checklist that the surgeon
7 or whoever else actually goes through that exists on
8 paper or in a document somewhere?

9 A It existed on paper. Whether it was saved,
10 I don't know.

11 Q And the hospital's policies around use of
12 the morcellator, were those formalized in any sort of
13 document anywhere?

14 A Hm. It preceded my becoming chief, so I
15 don't know the answer to that. We have since abandoned
16 the use of morcellator not long after that.

17 Q Are there other types of surgical equipment
18 that require getting approval from you before use?

19 A Surgical equipment. I don't know that this
20 would be -- this can be placed in the operating room. I
21 need to approve the use of the Mirena IUD if it is

1 placed for therapy in this hospital.

2 Q The Mirena IUD, that's typically a
3 contraceptive device?

4 A It's used as a contraceptive device most
5 commonly, but it is also used for treatment of uterine
6 bleeding.

7 Q And so you need to -- you need to approve
8 any insertion of that IUD before it's done?

9 A Correct.

10 Q And is that -- that policy where you need
11 to provide approval for that, is that formalized in any
12 sort of document anywhere?

13 A Not that I'm aware of. It's common
14 knowledge that they will not be able to place it in the
15 operating room unless I have approval.

16 Q How does a -- as far -- to your
17 understanding, how is a physician with admitting
18 privileges aware that they need to speak to you first
19 before inserting that device?

20 A It's because our surgeons are aware of the
21 ethical and religious directives of Catholic health care

1 organizations by which we function. So there are
2 certain things that cannot be done in a Catholic
3 hospital. Essentially, my approval says that it can be
4 used under certain circumstances because I have
5 ascertained that it falls appropriately within the
6 ethical and religious directives.

7 Q And what analysis do you do to -- it falls
8 within the ethical and religious directives?

9 A That there's a specific condition or
10 disease that's being treated specifically by that in
11 that procedure or bilat device. It is not related to
12 either sterilization or contraception.

13 Q And do you consult with anyone at the
14 hospital when you are making those -- those decisions?

15 A Typically, I don't have to because it's
16 evident. If I had any questions, I would consult our
17 ethics committee.

18 Q And who is on the ethics committee?

19 A I can tell you probably most of the people
20 who are on the ethics committee. Our director of
21 mission is on the ethics committee. The chief medical

1 Church doesn't recognize it.

2 Q In your -- putting aside the Catholic
3 Church, is it your understanding as a medical
4 professional that gender dysphoria is a medical
5 condition?

6 A Yes.

7 Q Just to confirm, physicians aren't required
8 to certify or verify that a patient suffers from a
9 life-threatening condition before scheduling a
10 hysterectomy. Right?

11 A Yes. That's correct.

12 Q Putting aside procedures involving
13 transgender patients, are you aware of any hysterectomy
14 that has not been permitted to occur because of the
15 ERDs?

16 A Not that I'm aware of.

17 Q And putting aside procedures involving
18 transgender patients, are you aware of any discussion of
19 whether a specific hysterectomy was compliant with the
20 ERDs?

21 MS. VRABIE: Mr. Delman, just to confirm,

1 both this question and the other question, are you
2 asking during her time as chief?

3 MR. DELMAN: In her personal -- in her
4 personal knowledge either as chief or just while she was
5 a physician with admitting privileges.

6 A I'm not aware of any hysterectomy being
7 allowed that fell outside of the restrictions placed by
8 the ERDs.

9 Q With that understood, are you aware in your
10 personal capacity and in your personal knowledge of any
11 discussion about whether a specific hysterectomy was
12 compliant with the ERDs?

13 A No. I don't recall any such circumstance.

14 Q And putting aside procedures involving
15 transgender policies, isn't it true that there is no
16 procedure in place at SJMC for reviewing whether a
17 hysterectomy is compliant with the ERDs?

18 MS. VRABIE: Objection.

19 A I am aware of no specific means by which
20 that happens.

21 Q Are you aware of a nonspecific means by

1 which that happens?

2 A Oh, I think our people know what's allowed
3 and what's not allowed, for the most part. If a
4 physician were posting a hysterectomy without a
5 diagnosis other than sterilization, it wouldn't be
6 allowed. It would never be posted.

7 Q I think I'm confused. You said if -- you
8 said a diagnosis other than sterilization would not be
9 allowed?

10 A No. I said there has to be some type of
11 diagnosis attached to the reason for the hysterectomy,
12 and the OR crew who take the posting are pretty well
13 aware of what's allowed and what's not. It would come
14 back to the physician trying to post it that such a
15 thing fell out of the ERDs. So, if there was no
16 diagnosis for hysterectomy -- right? If a physician was
17 queried and said, no, she just doesn't want to have
18 periods anymore and it's a way of preventing her from
19 having children, the answer would be no. You can't post
20 that. And that would come originally from the people
21 taking the posting. It would undoubtedly be elevated to

1 me for confirmation, but our medical staff know that
2 they can't post that. I can't even recall a time where
3 someone tried.

4 Q That was my next question. Do you -- you
5 do recall any scenario where a posting for hysterectomy
6 was escalated to you by the scheduling people?

7 A No.

8 Q But you would say it was part of the
9 scheduling people's responsibility to screen things
10 being posted?

11 A I think it's part of our culture here at
12 St. Joe's that everyone has the ability to escalate
13 something for which they have a question, from the very
14 beginning of a circumstance to the end of a
15 circumstance.

16 Q Do you know if it is part of the job
17 description for the personnel in the scheduling
18 department to verify --

19 A I don't know their job description.

20 Q Just in the future, Dr. Buescher, please
21 let me finish the question.

1 A I will.

2 Q Okay. So, Dr. Buescher, my apologies if we
3 already covered this, but is it your understanding that
4 the ERDs prohibit Catholic hospitals from participating
5 in gender transitions or gender-affirming treatments for
6 transgender patients?

7 MS. VRABIE: Objection.

8 A Yes. Yes. That's my understanding.

9 Q And when did you become aware of that
10 understanding?

11 A I believe when I took on this chief role.

12 Q You don't believe you were aware of that
13 restriction prior to becoming chief?

14 A I was not.

15 Q Had you read the ERDs prior to becoming
16 chief?

17 A No.

18 MR. DELMAN: One moment, Dr. Buescher. I'm
19 pulling up a new document. Okay. I'm showing here UMMS
20 1. This is marked as Plaintiff's Exhibit -- I believe
21 we're up to 4.

1 cbriefly to provide your order of the transcript of the
2 video and court reporter. Mr. Delman, I am to
3 understand you have a standing order for the transcript
4 of the video?

5 MR. DELMAN: Yes. That's correct.

6 THE VIDEOGRAPHER: Okay. Ms. Vrabie, would
7 you like to order a copy of the transcript and/or video
8 at this time?

9 MS. VRABIE: I -- I think we would but I
10 want to confer with my team internally to see what that
11 order will be, so, I'll get back to all of you.

12 THE VIDEOGRAPHER: Okay. Thank you. We
13 are now going off the record on March 21st, 2022, at
14 1:03 p.m.

15 (Deposition concluded at 1:03 p.m.)

1 State of Maryland

2 City of Baltimore, to wit:

3 I, Eric Leichter, a Notary Public of the State of
4 Maryland, Baltimore City, do hereby certify that the
5 within-named witness personally appeared before me at
6 the time and place herein set out, and after having been
7 duly sworn by me, according to law, was examined by
8 counsel.

9 I further certify that the examination was recorded
10 stenographically by me and this transcript is a true
11 record of the proceedings.

12 I further certify that I am not of counsel to any
13 of the parties, nor in any way interested in the outcome
14 of this action.

15 As witness my hand this 21st day of March 2022

16 
17 Eric Leichter

18 Notary Public

19 My Commission Expires:

20 January 13, 2024
21

MONICA BUESCHER, M.D.
Hammons vs University of Maryland Medical System

March 21, 2022
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DEPOSITION ERRATA SHEET

Our Assignment No. J8044248

Case Caption: JESSE HAMMONS

vs. UNIVERSITY OF MARYLAND MEDICAL SYSTEM

DECLARATION UNDER PENALTY OF PERJURY

I declare under penalty of perjury
that I have read the entire transcript of
my Deposition taken in the captioned matter
or the same has been read to me, and
the same is true and accurate, save and
except for changes and/or corrections, if
any, as indicated by me on the DEPOSITION
ERRATA SHEET hereof, with the understanding
that I offer these changes as if still under
oath.

Signed on the 21ST day of

APRIL, 2022.

MONICA BUESCHER, M.D.

MONICA BUESCHER, M.D.



MONICA BUESCHER, M.D.
Hammons vs University of Maryland Medical System

March 21, 2022

Page 1 of 6

DEPOSITION ERRATA SHEET

Page No. 6 Line No. 16 Change to: "whofll" to
"who will"

Reason for change: Typographical error

Page No. 9 Line No. 1 Change to: insert "given"
between "previously" and "testimony"

Reason for change: Transcription error

Page No. 10 Line No. 13 Change to: change "is"
to "in"

Reason for change: Transcription error

Page No. 15 Line No. 5 Change to: "not" to
"title"

Reason for change: Transcription error

Page No. 18 Line No. 7 Change to: insert "do"
between "can" and "vulvar"

Reason for change: Transcription error

Page No. 20 Line No. 12 Change to: "of" to
"as a", change "physician" to "position"

Reason for change: Transcription error

SIGNATURE:  DATE: 4-21-2022

MONICA BUESCHER, M.D.



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EsquireSolutions.com

MONICA BUESCHER, M.D.
Hammons vs University of Maryland Medical System

March 21, 2022

1 DEPOSITION ERRATA SHEET Page 2 of 6
2 Page No. 22 Line No. 11 Change to: "that's" to
3 "that are"
4 Reason for change: Transcription error
5 Page No. 27 Line No. 16 Change to: insert "have"
6 between "can" and "a"
7 Reason for change: Transcription error
8 Page No. 28 Line No. 11 Change to: remove "tubal"
9
10 Reason for change: Transcription error
11 Page No. 35 Line No. 7 Change to: remove second "or"
12 between "circumstance" and "is"
13 Reason for change: Transcription error
14 Page No. 35 Line No. 8 Change to: "that" to "and"
15
16 Reason for change: Transcription error
17 Page No. 46 Line No. 16 Change to: "is" to "was"
18
19 Reason for change: Transcription error
20 SIGNATURE: MEQ DATE: 4-21-2022
21 MONICA BUESCHER, M.D.

MONICA BUESCHER, M.D.
Hammons vs University of Maryland Medical System

March 21, 2022

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DEPOSITION ERRATA SHEET

Page 3 of 6

Page No. 47 Line No. 16 Change to: "it's" to
"what's"

Reason for change: Transcription error

Page No. 48 Line No. 4 Change to: "Whofs" to
"Who is"

Reason for change: Typographical error

Page No. 48 Line No. 5 Change to: "Komugis" to
"Comegys"

Reason for change: Typographical error

Page No. 48 Line No. 6 Change to: "Komugis" to
"Comegys"

Reason for change: Typographical error

Page No. 48 Line No. 8 Change to: "query" to
"queried"; change "this to "as"

Reason for change: Transcription error

Page No. 48 Line No. 9 Change to: "who" to "whom"

Reason for change: Transcription error

SIGNATURE:  DATE: 4-21-2022

MONICA BUESCHER, M.D.

MONICA BUESCHER, M.D.
Hammons vs University of Maryland Medical System

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DEPOSITION ERRATA SHEET

Page 4 of 6

Page No. 57 Line No. 5 Change to: whofs" to
"who's"

Reason for change: Typographical error

Page No. 63 Line No. 15 Change to: "have" to "give"

Reason for change: Transcription error

Page No. 64 Line No. 10 Change to: remove "by that"

Reason for change: Transcription error

Page No. 64 Line No. 11 Change to: "bilat" to
"by that"

Reason for change: Transcription error

Page No. 71 Line No. 10 Change to: "employee" to
"employed"

Reason for change: Transcription error

Page No. 72 Line No. 1 Change to: "was" to "were"

Reason for change: Transcription error

SIGNATURE:  DATE: 4-21-2022

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MONICA BUESCHER, M.D.
Hammons vs University of Maryland Medical System

March 21, 2022

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DEPOSITION ERRATA SHEET

Page 5 of 6

Page No. 81 Line No. 4 Change to: "defendant"
to "definite"

Reason for change: Transcription error

Page No. 82 Line No. 8 Change to: "whether to give"
to "what could be done"

Reason for change:

Page No. 83 Line No. 2 Change to: "neonatal" to
"lethal"

Reason for change: Transcription error

Page No. 83 Line No. 15 Change to: "demised" to
"demise"

Reason for change: Transcription error

Page No. 86 Line No. 19 Change to: "is oncologist
he" to "is on the"

Reason for change: Transcription error

Page No. 90 Line No. 15 Change to: "policies" to
"patients"

Reason for change: Transcription error

SIGNATURE:  DATE: 4-21-2022

MONICA BUESCHER, M.D.



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DEPOSITION ERRATA SHEET

Page 6 of 6

Page No. 114 Line No. 13 Change to: "and" to "an"

Reason for change: Transcription error

Page No. 119 Line No. 9 Change to: add "Maryland"
after "University of"

Reason for change: Clarification

Page No. 126 Line No. 14 Change to: add "for" after
"chance"; move "to give" after "Adashek"

Reason for change: Clarification

Page No. 130 Line No. 2 Change to: "or" to "was"

Reason for change: Transcription error

Page No. 131 Line No. 17 Change to: "is" to "are"

Reason for change: Transcription error

Page No. Line No. Change to:

Reason for change:

SIGNATURE:  DATE: 4-21-2022

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